

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEFFREY FRANKLIN,

Case No. 2:20-cv-00063-RFB-DJA

Plaintiff,

ORDER

v.

HERNANDEZ, *et al.*,

Defendants.

This action is a pro se civil rights action filed pursuant to 42 U.S.C. § 1983 by a state prisoner. On September 23, 2020, the Court imposed a stay, and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 10, 13). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 16).

For the foregoing reasons, **IT IS ORDERED** that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's First Amended Complaint (ECF Nos. 3, 3-1) on the Office of the Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

3. Subject to the findings of the screening order (ECF No. 10), within twenty-one (21) days of the date of entry of this order, the Attorney General's Office shall file a

1 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
2 accepts service; (b) the names of the defendants for whom it does not accept service,
3 and (c) the names of the defendants for whom it is filing the last-known-address
4 information under seal. As to any of the named defendants for whom the Attorney
5 General's Office cannot accept service, the Office shall file, under seal, but shall not serve
6 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
7 information. If the last known address of the defendant(s) is a post office box, the Attorney
8 General's Office shall attempt to obtain and provide the last known physical address(es).

9 4. If service cannot be accepted for any of the named defendant(s), Plaintiff
10 shall file a motion identifying the unserved defendant(s), requesting issuance of a
11 summons, and specifying a full name and address for the defendant(s). For the
12 defendant(s) as to which the Attorney General has not provided last-known-address
13 information, Plaintiff shall provide the full name and address for the defendant(s).

14 5. If the Attorney General accepts service of process for any named
15 defendant(s), such defendant(s) shall file and serve an answer or other response to the
16 complaint within sixty (60) days from the date of this order.

17 6. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has
18 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
19 document submitted for consideration by the Court. Plaintiff shall include with the original
20 document submitted for filing a certificate stating the date that a true and correct copy of
21 the document was mailed or electronically filed to the defendants or counsel for the
22 defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service
23 to the individual attorney named in the notice of appearance, at the physical or electronic
24 address stated therein. The Court may disregard any document received by a district
25 judge or magistrate judge which has not been filed with the Clerk, and any document
26 received by a district judge, magistrate judge, or the Clerk which fails to include a
27 certificate showing proper service.

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DATED this 12th day of January, 2021.

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